

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	File No. EB-02-TC-032
)	File No. EB-02-TC-040
Jones Intercable, Inc.)	CUID Nos. AZ0158 (Oro Valley, AZ)
Jones Spacelink of Ohio)	OH0293 (Rittman, OH)
)	
Consolidated Application for Review)	

ORDER

Adopted: May 6, 2002

Released: May 8, 2002

By the Chief, Enforcement Bureau:¹

1. In this Order, we reconsider, on our own motion, Orders, DA 95-1742 ("Rittman Order")² and DA 95-1794 ("Oro Valley Order")³ (together "Prior Orders"). The Rittman Order resolved all pending complaints against the cable programming services tier ("CPST") rates charged by the above-referenced Operator ("Operator")⁴ in the Rittman, Ohio community through May 14, 1994, and found Operator's CPST rates to be unreasonable. The Oro Valley Order resolved all pending complaints against the CPST rates charged by Operator in the Oro Valley, Arizona community through May 14, 1994, and found Operator's CPST rates to be unreasonable. On October 10, 1995, Operator filed a consolidated application for review ("Application") of the Prior Orders. In this Order, we vacate the Prior Orders and dismiss Operator's Application as moot.

2. On November 30, 1995, the Federal Communications Commission ("Commission") adopted an Order, FCC 95-478,⁵ approving the Time Warner Social Contract ("Social Contract") between Time Warner Cable ("Time Warner") and the Commission. The Social Contract resolved all of Time Warner's CPST cases. On December 26, 1996, we granted Time Warner's request that certain of its subsequently-acquired cable television systems be added to those systems already subject to the Social Contract.⁶ As a result, the Rittman, Ohio cable system, the subject of the Rittman Order, became subject

¹ Effective March 25, 2002, the Commission transferred responsibility for resolving cable programming services tier rate complaints from the former Cable Services Bureau to the Enforcement Bureau. *See Establishment of the Media Bureau, the Wireline Competition Bureau and the Consumer and Governmental Affairs Bureau, Reorganization of the International Bureau and Other Organizational Changes*, FCC 02-10, 17 FCC Rcd 4672 (2002).

² *In the Matter of Jones Spacelink of Ohio*, DA 95-1742, 10 FCC Rcd 9802 (CSB 1995).

³ *In the Matter of Jones Intercable, Inc.*, DA 95-1794, 10 FCC Rcd 9781 (CSB 1995).

⁴ The term "Operator" includes Operator's predecessors and successors in interest.

⁵ *In the Matter of Social Contract for Time Warner*, FCC 95-478, 11 FCC Rcd 2788 (1996).

⁶ *In the Matter of Time Warner Cable Social Contract*, FCC 96-2192, 12 FCC Rcd 14881 (1996).

to the Social Contract. Accordingly, all complaints involving the system were resolved.⁷ Therefore, we vacate the Rittman Order and dismiss as moot Operator's Application with regard to that system.

3. Under the Communications Act⁸ the Commission was authorized, at the time the referenced complaint was filed, to review the CPST rates of cable systems not subject to effective competition to ensure that rates charged are not unreasonable. In a Memorandum Opinion and Order released April 17, 2000 ("Competition Order"), the Cable Services Bureau found that Operator's system serving the Oro Valley community is subject to effective competition.⁹ Based on the Cable Services Bureau's finding of effective competition in our Competition Order, Operator's system in the franchise area in the Oro Valley community is not subject to rate regulation. Therefore, we vacate the Oro Valley Order and dismiss as moot Operator's Application with regard to that system.

4. Accordingly, IT IS ORDERED, pursuant to Sections 0.111 and 0.311 of the Commission's rules, 47 C.F.R. §§ 0.111 and 0.311, that In the Matter of In the Matter of Jones Spacelink of Ohio, DA 95-1742, 10 FCC Rcd 9802 (1995) and In the Matter of Jones Intercable, Inc., DA 95-1794, 10 FCC Rcd 9781 (1995), ARE VACATED.

5. IT IS FURTHER ORDERED, pursuant to Sections 0.111, 0.311 and 1.115 of the Commission's rules, 47 C.F.R. §§ 0.111, 0.311 and 1.115, that Operator's Consolidated Application for Review IS DISMISSED.

FEDERAL COMMUNICATIONS COMMISSION

David H. Solomon
Chief, Enforcement Bureau

⁷ See *In the Matter of Time Warner Cable*, DA 98-1026, 13 FCC Rcd 13813 (CSB 1998).

⁸ Communications Act, Section 623(c), as amended, 47 U.S.C. §543(c) (1996).

⁹ See *In the Matter of Jones Intercable, Inc.*, DA 00-859, 15 FCC Rcd 7254 (CSB 2000).